

BEST AVAILABLE COPY

**REGULATED
CENTRAL FAX CENTER**

CENTRAL FAX CENTER

OCT 02 2006

PATTERSON THUENTE
SKAAR CHRISTENSEN IP

Patent Trademark Copyrights and Related Items

Battalions: 1bueno, Ekoor & Chetwaiwan, 2a

4800 IDS Center t: 612.349.5740
80 South 8th Street t: 800.331.4537
Minneapolis, MN f: 612.349.9266
55402-2100 www.ptslaw.com

FACSIMILE COVER SHEET

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 21

[] Original documents to follow by mail

No originals will be sent

DATE: 2 October 2006

TO: Examiner Jiping Lu
Group Art Unit 3749

FAX #: 571-273-8300

PHONE #:

Application No.: 10/826,651
Applicant: Morris et al.
Due Date:

OUR REF.: 1915.24US04

FROM: Wm. Larry Alexander
PHONE #: 612-349-5757

Attached please find the following for filing in the above-identified application:

(1) Reply Brief

Respectfully submitted,

Wm. Larry Alexander
Wm. Larry Alexander
Registration No. 37,269

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

2 October 2006

Wm Larry Alexander

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL PATTERSON, THUENTE, SKAAR & CHRISTENSEN COLLECT AT (612) 349-5740. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

FACSIMILE SENT BY

OCT 02 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1915.24US04

Morris et al.

Confirmation No.: 2287

Application No.: 10/826,651

Examiner: Jiping Lu

Filed: 16 April 2004

Group Art Unit: 3749

For: PRECIPITATION RESISTANT RIDGE VENT

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This a Reply Brief responsives to a 1 August 2006 Examiner's Answer, which, in turn, was responsive to a 21 April 2006 Appeal Brief stating grounds for an appeal from an Office Action dated 25 July 2005 in which claims 1-37 were finally rejected. A Notice of Appeal and Pre-Appeal Brief Request for Review were filed on 25 October 2005. A Notice of Panel Decision from Pre-Appeal Brief Review was dated 12 December 2005. Applicants believe that no extensions of time are required and that no fees are due and payable. However, if additional extensions of time are required or if other fees are due, please consider this paper as a petition for such an extension and deduct these fees from Deposit Account No. 16-063.

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571 273 8300 on the date shown below.

2 October 2006
Date

Wm. Larry Alexander
Wm. Larry Alexander

U.S. Patent Application 10/152,126

RECEIVED
CENTRAL FAX CENTER

OCT 02 2006

I) REAL PARTIES IN INTEREST

Liberty Diversified Industries, Inc., a corporation organized under the laws of Minnesota, and having offices at 5600 North Highway 169, Minneapolis, Minnesota 55428-3096, is the assignee of the patent application. Assignments by the inventors to the assignee are recorded at Reel 7259, Frame 0568 et seq. and at Reel 011181, Frame 0242 et seq.

II) RELATED APPEALS AND INTERFERENCES

Applicant is unaware of any related appeals or interferences.

III) STATUS OF THE CLAIMS

Pending claims 1-37 are rejected and are listed in Appendix A.

IV. RESPONSE

Applicants' attorney first wishes to acknowledge and to express appreciation to Examiner Jiping Lu for his forthright, but quite civil, Examiner's Answer in this appeal, which clearly and distinctly enunciated the issues in this appeal as perceived by Examiner Lu as well as by Examiners Gartenberg and Vidovich. Applicants' attorney now seeks to address these perceptions in the same constructive and forthright approach.

A. Limitations Disclosed in the Prior Art

1. "a filter material secured to the bottom surface of the at least one vent part and to the top panel."

The Examiner's Answer states "The secondary reference, Coulton et al, U.S. Pat. 6298613 ["Coulton"] clearly shows that the air permeable filter 50 is located and installed to the bottom surface (at 42) of the at least one vent part 30 and to the top panel 62 (at 52, 54)."¹

Applicant respectfully traverses this assertion because there is no structure in Coulton equivalent to the top panel recited in claim 1. The top panel 62 of Coulton is, in

¹ Examiner's Answer, beginning at page 4 (B. Analysis), line 11.

U.S. Patent Application 10/152,126

fact, a reinforcement material strip,² which is outboard or lateral to the remainder of the roof ridge vent disclosed therein.³ Applicant's attorney can find no portion of Coulton disclosing or suggesting that the reinforcement material 62 of Coulton is disclosed or suggested to function as a top panel in the context of claim 1. Indeed, the reinforcement material 62 of Coulton is described as a reinforcement material preventing nail heads from passing into the interior of the vent.⁴ There is no indication in Coulton that the reinforcement material 62 serves any venting function whatsoever. Because there is no structure disclosed or suggested functioning as a top panel in the context of claim 1, the air permeable filter 50 of Coulton cannot be attached to a structure which is not disclosed or suggested therein. Thus, this limitation recited in claim 1 is not present in Coulton and a *prima facia* case of obviousness has not been established with respect to claim 1.

2. "an air permeable filter attached to the bottom surface of the top panel and positioned to filter air being conveyed through the top panel air passages or the vent air part air passage."

The Examiner's Answer states "The appellant also argued that none of the references disclose the limitation regarding 'to the bottom surface of the top panel and positioned to filter air being conveyed through the top panel air passages or the vent air part air passage' as called for in broad claim 13.... The secondary reference, Coulton et al. US Pat. 6298613, clearly shows that the air permeable filter 50 is located and installed

² Coulton, column 5, beginning at line 21 ("Preferably, the mat 32 is reinforced with one or more strips of nail line reinforcement material 62 bonded to the upper surface 40 of the mat over the suggested nail lines 58, 60 and a surrounding area including at least the rows of cusps 44 what are adjacent to the nail lines 58, 60."); Coulton, Figures 1 and 2.

³ Id.

⁴ Coulton, column 5, beginning at line 21 ("Preferably, the mat 32 is reinforced with one or more strips of nail line reinforcement material 62 bonded to the upper surface 40 of the mat 32 over the suggested nail lines 58, 60 and surrounding area including at least the rows of cusps 44 which are adjacent to the nail lines 58, 60. The reinforced mat 32 resists compression because the force applied to the vent 30 by the nail 24 is transferred by the reinforcement material 62 across a large area of the mat 32 and is thereby efficiently absorbed by the mat 32. This is true whether or not a roofing nail gun is utilized to apply the nail. In addition, when the cap shingles 18 are nailed to the roof 10 and vent 30, the reinforcement material 62 prevents nail heads of nails driven into hollow cusp areas of the mat from passing beyond the upper surface 40 of the mat 32.").

U.S. Patent Application 10/152,126

to the bottom surface (at 52, 54) of the top panel 62 and positioned to filter air being conveyed to the vent air part air passage (see arrows in Fig. 2).¹⁵

As shown above with respect to the limitation at issue in claim 1, the reinforcement material 62 is neither disclosed nor suggested as being capable of venting air in the manner recited in claim 13.⁶ Additionally, the arrows in Figure 2 depict air flowing through the slot 22 through the air permeable filter material 50, then through the cusps 44. Figure 2 does not disclose air flowing through the reinforcement material 62. Accordingly, Coulton neither discloses nor suggests this limitation. Because Coulton neither discloses nor suggests this limitation, a prima facia case of obviousness has not been established with respect to claim 13.

3. a filtering material extending the claimed filtering material "between the top panel and the bottom surface of one of the vent parts."

The Examiner's Answer asserts that "The appellant also argued that none of the references disclose the limitation regarding the claimed filtering material 'between the top panel and the bottom surface of one of the vent parts' as called for in broad claim 14.... cap the secondary reference, Coulton et al. U.S. Pat. 6298613, clearly shows that the air permeable filter 50 is located and installed between the top panel 62 and the bottom surface of one of the vent parts 32 (at 52, 54)."⁷

As shown above with respect to the limitation at issue in claim 1, the reinforcement material 62 is neither disclosed nor suggested as being capable of venting air in the manner required in claim 14.⁸ Hence, Coulton neither discloses or suggests this limitation. Accordingly, a prima facia case of obviousness has not been established with respect to claim 14.

4. "allowing air exchange between the structure interior and the environment via the top panel passages, the vent part air passages, and the filter material."

⁵ Examiner's Answer, beginning at page 4 (B, Analysis), line 15.

⁶ See note 4.

⁷ Examiner's Answer, beginning at page 4 (B, Analysis), line 21.

⁸ See note 4.

U.S. Patent Application 10/152,126

The Examiner's Answer states

the primary reference, Morris publication, clearly shows (Fig. 1 identical to Applicant's Fig. 1) that air exchange features between the structure interior and the environment via the top panel passages 144 and the vent part air passages 144 (page 13, lines 5-15). The secondary reference, Coulton et al. US Pat. [6298613], clearly shows that the air exchange feature (see arrows in Fig. 2) between the structure interior and the environment via the vent part air passages and the filter material (see Fig. 2). The air will penetrate through the permeable filter 50 and exit through 56. The make up or exchanged air will come into the structure interior due to natural phenomenon (e.g. natural air convection). Therefore, in view of the combined teachings of Morris and Coulton, the roof of venting method of Morris as modified by Coulton clearly shows the method of allowing air exchange between the structure interior and the environment via the top panel air passages, the vent part air passages, and the filter material.⁹

As shown above, there is no structure disclosed by Coulton which would disclose or suggest a top panel having air passages. Additionally, WO 99/35446 ("Morris"), while arguendo disclosing the top panel and vent part air passages stated, neither discloses nor suggests the filter material. Coulton, while disclosing an air permeable filter, neither discloses nor suggests a top panel having air passages. The logical gap in disclosure or suggestion is not bridged by either the rejection under appeal or the foregoing argument. Therefore, the foregoing limitation is not disclosed by Morris and Coulton and a prima facie case of obviousness has not been established.

Additionally, Figure 1 of Morris is not identical to Figure 1 of this application in that the filter material is not present in the Figure 1 of Morris. Moreover, if the two figures were, in fact, identical, their identity would add nothing to the arguments in the final rejection, because it is the final rejection that is being appealed, not comments in the Examiner's Answer.

5. "securing an air permeable filter material to an interior surface of the top panel and to the vent part."

⁹ Examiner's Answer, beginning at page 5 (B, Analysis), line 5.

U.S. Patent Application 10/152,126

The Examiner's Answer states "The secondary reference, Coulton et al. US Pat. 6298613, clearly shows that the air permeable filter 50 is secured to an interior surface (at 52, 54) of the top panel 62 and to the vent part (at 42)."¹⁰

As shown above, there is known structure disclosed by Coulton which would disclose or suggest a top panel having air passages. Therefore, the air permeable filter material 50 of Coulton cannot be secured to an interior surface of the structure which is neither disclosed nor suggested therein. Additionally, the "interior surface" of claim 16, in one embodiment is depicted at 52 in Figures 6, 6a, 6b, 7, and 7b. In each case, the interior surface 52 is disposed between vent panels 32. Stated otherwise, the interior surface 52 is interior with respect to the vent panels and is not laterally exposed. By contrast, the structure asserted as the top panel in Coulton, reinforcement material (strip) 62 is laterally exposed. Hence, reinforcement material (strip) 62 cannot have an interior surface. Accordingly, the air permeable filter material 50 of Coulton cannot be attached to a top panel, because a top panel is neither disclosed nor suggested in Coulton. Also accordingly, the air permeable filter material of Coulton cannot be attached to a lower surface of a top panel because no such surface is disclosed or suggested therein. For the foregoing reasons, this limitation is neither suggested nor disclosed by Coulton and a *prima facia* of obviousness has not been established with respect to claim 16.

6. "the filter material secured to the bottom surface of the vent part and to the top panel."

The Examiner's Answer states "The appellant also argued that none of the references disclose the limitation regarding 'the filter material secured to the bottom surface of the vent part into the top panel' as called for in broad claim 26.... The secondary reference, Coulton et al. US Pat. 6298613, clearly shows that the air permeable filter 50 is secured to the bottom surface (at 42) of the vent parts 32 and to the top panel 62 (at 52, 54)."¹¹

¹⁰ Examiner's Answer, beginning at page 5 (B, Analysis), line 17.

¹¹ Examiner's Answer, beginning at page 5, last line.

U.S. Patent Application 10/152,126

As shown above, Coulton neither discloses nor suggests any structure having a multiplicity of discrete top panel air passages. Consequently, the edge flanges 52, 54 (asserted by the Examiner's Answer as a top panel) cannot serve this function as well. Because Coulton fails to disclose or suggest a top panel having air passages, a filter material cannot be secured to the bottom surface thereof. Accordingly, a prima facie case of obviousness has not been established with respect to claim 26.

7. The foregoing claim amendments are not disclosed or suggested by the references cited against the pending independent claims.

For reasons stated above, none of the foregoing limitations are disclosed or suggested by Coulton or Morris. Accordingly, a prima facie case of obviousness has not been established against the pending independent claims.

B. Motivation

1. The Rejection Does Not Cite Supporting Portions of the Prior Art One Asserting the Required Motivation.

The Examiner's Answer states that "the motivation does not have to come from the prior art references themselves. The motivation may come from anywhere, e.g. common sense, combined teachings of the prior art references."¹² Applicants agree with this assertion. However, the rejection, after asserting the presence of claim limitations in two documents, fails to state any motivation whatsoever other than unsupported opinion.

When Applicants challenged the unsupported opinion stated in the rejection and required an affidavit, declaration, or specific citations from the prior that would support the required motivation¹³, none were offered. To this end, the Examiner's answer states, "In the present case, the teaching to combine came from Coulton. Coulton expressly teaches to provide or use of [sic] a conventional air permeable filter to prevent insects, snow, rains [sic] from clogging the air passages (col. 4, line 57 to Col. 5, line 11)."¹⁴ If

¹² Examiner's Answer, beginning at Page 6, next-to-last line.

¹³ See note 61 of the 21 April 2006 Appeal Brief.

¹⁴ Examiner's Answer, beginning at page 7, line 6.

U.S. Patent Application 10/152,126

this cited passage from Coulton arguendo provided the required motivation, it was not cited in the rejection. It is the rejection which must support a prima facie case, not further arguments from the Examiner's Answer. Thus, the Examiner's Answer, by providing a citation from Coulton, implicitly admits that the required motivation was not established in the rejection.

The Examiner's Answer also states that "it is the combined teachings of Morris and Coulton that would lead one on the art to provide Morris (Fig. 15) with the air permeable filter 50 of Coulton in order to improve ventilation efficiency. It should be noted in the ventilation art, the use of air permeable [filters] is common practice."¹⁵

The support for the required motivation, asserted as "combined teachings of Morris and Coulton" are not stated in the rejection and it is the rejection under appeal. Additionally, the unsupported assertion that the use of air permeable filters is a common practice was not present in the rejection as well. Thus, the rejection does not contain these arguments and thus fails to establish the requisite motivation.

2. A Person of Ordinary Skill in the Art Would Not Be Motivated to Make the Proposed Modification to Improve Ventilation Efficiency

The sole motivation for the proposed combination of Morris and Coulton is in the Response to Arguments in the 25 July 2005 Office Action, which states "in view of the combined teachings of the references it would have been obvious for one skilled in the art to provide Morris (Fig. 15) with the filter of Coulton in view of the combined teachings of the references in order to improve the ventilation efficiency with cleaner air." As stated in the 21 April 2006 Brief, cleaner air could not be a result of the device of Coulton because air is filtered as it egresses buildings being ventilated by the device of this invention. Obviously, cleaner air within the building cannot be a result of filtering air egressing the building into the environment¹⁶ Because the subjective opinion voiced in the final rejection was without merit, a prima facie case of obviousness was not established.

¹⁵ Examiner's Answer, beginning at page 7, line 6.

¹⁶ Appeal Brief, beginning at page 12, line 1.

U.S. Patent Application 10/152,126

The Examiner's Answer states that the required "teaching to combine came from Coulton. Coulton expressly teaches to provide use of a conventional air permeable filter to prevent insects, snow, [rain] from clogging the air [passages] (col. 4, line 57 to Col 5, line 11) [and] to provide screen chimney [caps] in most residential homes ... to prevent birds, snow from clogging the chimney in order to maintain the exhaust gas flow (improve ventilation efficiency)."¹⁷ Assuming arguendo that the foregoing passage from Coulton is factually correct, this motivation was not present in the final rejection. This appeal addresses the final rejection, not further rationale for the requisite motivation stated in the Examiner's Answer. Again, reasons offered anew in the Examiner's Answer are not sufficient to establish the requisite motivation and a prima facie case of obviousness has not been established.

3. The Present Application Teaches Away from the Proposed Modification.

As stated in the 21 April 2006 Appeal Brief, the present application discloses that the presence of the filtering restricts the flow of air, which is not improving ventilation.¹⁸ The final rejection, in response stated that cleaner air would result, thereby resulting in improved ventilation efficiency,¹⁹ which is clearly not the result. Therefore, the present application teaches away from the proposed motivation.

4. The Rejection Should be Reversed if the Examiner's Answer Presents a New Grounds for Rejection.

Because new prior art is not asserted against the pending claims, the comments pertaining to the motivation for combining Coulton and Morris, should not be viewed as new grounds for rejection. However, if these comments are, in fact viewed as a new grounds of rejection, Applicant submits that Morris itself argues against the combination as proposed. In Morris, a wind deflector 472 is described beginning at page 19, line 26.²⁰

¹⁷ Examiner's Answer, beginning at page 7, line 4.

¹⁸ Appeal Brief, beginning at page 12, line 12.

¹⁹ 25 July 2005 Final Office Action, beginning at page 3, line 11.

²⁰ See also Figures 19 and 20 of the present application.

U.S. Patent Application 10/152,126

In the Summary of the Invention section, the present application states that "the air deflector diverts ambient air flow and thereby inhibits ingress of precipitation into air passages proximate the second planar portion of the air deflector."²¹ Accordingly, Applicant respectfully submits that a person of ordinary skill in the art would not be motivated to use the air permeable filter material 50 in combination with the roof ventilating device of Morris because the air deflector disclosed and described therein would inhibit ingress of moisture and wind. Hence, the problem asserted in the Examiner's Answer was solved in Morris and the asserted motivation did not exist in the prior art. Because Morris actually teaches against the possible new grounds of rejection, a prima facie case obviousness has not been established a fortiori.

5. The Rejection Improperly Asserts That The Presence of a Claim Limitation in the Prior Art per Se Is Itself the Required Motivation.

The Examiner's Answer states,

It is the examiner's position that the mere presence of a claim limitation in the prior art reference per se is sufficient to show the claimed features are well known and conventional. It would inevitably lead to motivate one skilled in the art to improve and invent. The examiner simply cannot agree with the appellant's arguments.

As shown in the Appeal Brief, the mere presence of a claim limitation in the prior art is not sufficient to establish the required motivation.²² This is not the law regarding the presence of limitations in the prior art.²³ Indeed, the rationale used by the Examiner

²¹ The present application, beginning at page 4, line 13.

²² Appeal Brief, page 13, beginning at line 3 and note 52.

²³ See, also, M.P.E.P. § 2142 ("To establish a prima facie case of obviousness, ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. ... The teaching or suggestion to make the claimed combination ... must ... be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991."); M.P.E.P. § 2143.01 (IV) ("[B]ecause the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). See also In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000) (Court reversed

U.S. Patent Application 10/152,126

is a classic basis for hindsight analysis, in which the Examiner, motivated by the presence of a claim limitation in the prior art, expresses an unsupported opinion that the mere presence of the limitation would "motivate one skilled in the art to improve and invent." First, the specific asserted motivation that the mere presence of the air permeable filter material of Coulton would motivate the person of ordinary skill in the art as proposed must have been present in the prior art and the Examiner must cite specific portions of the prior art to support the prima facie case. Indeed, if the asserted motivation were present in the prior art, the Examiner should easily be able to substantiate its presence. Finally, the comment is internally contradictory in that, if the presence per se of the air permeable filter motivated the person of ordinary skill in the art to improve and invent, then conceivably a patentable invention would result; however, the person of ordinary skill in the art is not, by definition, capable of inventive activity.

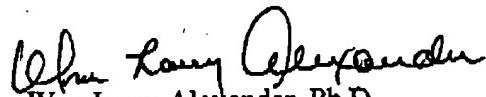
obviousness rejection involving technologically simple concept because there was no finding as to the principle or specific understanding within the knowledge of a skilled artisan that would have motivated the skilled artisan to make the claimed invention); In re Lee, 61 U.S.P.Q.2d 1430, 1434 (Fed Cir. 2002) ("The examiner's conclusory statements that the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic introduction by adding the proper programming software and that another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to [use] that which the inventor taught against its teacher. W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Thus the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion.") (internal quotation marks omitted) (emphasis added); M.P.E.P. § 2144.03 ("As the court held in Zurko, an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support. In re Zurko, 59 USPQ2d 1693, 1697.... If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2)['When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons'.]").") (emphasis added).

U.S. Patent Application 10/152,126

V. Conclusion

For reasons stated above, Applicant's respectfully request that the final rejection of the pending claims be reversed.

Respectfully submitted,



Wm. Larry Alexander
Wm. Larry Alexander, Ph.D.
Registration No. 37,269

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757

U.S. Patent Application 10/152,126

Claims AppendixRECEIVED
CENTRAL FAX CENTER

OCT 02 2006

1. (Original) A vent for conveying air between a structure interior and the environment, comprising:

a top panel having an interior surface and a multiplicity of discrete top panel air passages providing for fluid communication between the structure interior and the environment;

at least one vent part with a bottom surface and in a contacting relation with the interior surface of the top panel, the at least one vent part defining a plurality of discrete vent part air passages providing for fluid communication between the structure interior and the environment; and

a filter material secured to the bottom surface of the at least one vent part and to the top panel.

2. (Original) The vent of claim 1, in which the top panel comprises a weatherproof three-ply material.

3. (Original) The vent of claim 2, in which the three-ply material comprises a pair of outer plies and a series of cross walls disposed between the outer plies.

4. (Previously Presented) The vent of claim 2, in which the three-ply material comprises a pair of outer plies and an intermediate ply disposed between the outer plies, the outer plies and the intermediate ply defining the multiplicity of top panel air passages.

5. (Original) The vent of claim 4, in which the intermediate ply is generally convoluted or fluted.

6. (Original) The vent of claim 2, in which the at least one vent part comprises at least one layer, the at least one layer comprising the three-ply material.

U.S. Patent Application 10/152,126

7. (Original) The vent of claim 6, in which the three-ply material comprises a pair of outer plies and an intermediate ply disposed between the outer plies, the outer plies and the intermediate ply defining the plurality of vent part air passages.
8. (Original) The vent of claim 6, in which the three-ply material comprises a pair of outer plies and a series of cross walls disposed between the outer plies.
9. (Original) The vent of claim 1, in which a plurality of spaced apart vent parts are present.
10. (Original) The vent of claim 9, in which at least one of the plurality of vent parts comprises a plurality of layers, each of the plurality of layers constructed from a weatherproof three-ply material.
11. (Previously Presented) The vent of claim 1, in which the top panel is characterized by a longitudinal axis and in which the multiplicity of top panel air passages and the plurality of vent part air passages extend generally transversely or generally perpendicularly to the top panel longitudinal axis.
12. (Original) The vent of claim 11, in which the top panel comprises a route defined therein, the route generally parallel to the longitudinal axis.
13. (Previously Presented) A vent, comprising:
 - a top panel having a bottom surface and a multiplicity of discrete top panel air passages;
 - a vent part contacting the top panel and having a bottom surface, an interior surface, and an exterior surface and formed from a three-ply material with a pair of outer plies and an intermediate ply disposed between the outer plies to define a multiplicity of discrete vent part air passages, each of the vent part air passages extending between the interior surface and the exterior surface; and

U.S. Patent Application 10/152,126

an air permeable filter attached to the bottom surface of the top panel and positioned to filter air being conveyed through the top panel air passages or the vent air part air passages.

14. (Previously Presented) A device for venting a structure, comprising:
a top panel having an interior surface and comprising a multiplicity of discrete top panel air passages fluidly communicating an exterior of said device and an interior of said device;
a plurality of vent parts, at least one of the vent parts contacting the top panel interior surface, each of the plurality of vent parts having a bottom surface, an interior edge and an exterior edge and comprising at least one layer of a three-ply material, the three-ply material having a pair of outer plies and an intermediate ply disposed between the outer plies so as to define a multiplicity of discrete vent part air passages, each of the multiplicity of vent part air passages exposed at one of the interior edges and one of the exterior edges; and
a filtering material extending between the top panel and the bottom surface of one of the vent parts.

15. (Previously Presented) A method of venting a structure with an interior with a vent placed over an opening in the structure, the vent comprising a top panel, at least one vent part, and an air permeable filter material, the top panel having an interior surface and a multiplicity of discrete top panel air passages, the at least one vent part having a bottom surface and contacting the top panel interior surface, the at least one vent part comprising a weatherproof material defining a multiplicity of discrete vent part air passages, the filter material secured to the at least one vent part and to the interior surface of the top panel; the method comprising allowing air exchange between the structure interior and the environment via the top panel air passages, the vent part air passages, and the filter material.

16. (Previously Presented) A method of constructing a vent, comprising:

U.S. Patent Application 10/152,126

contacting a vent part to a top panel, each of the top panel and the vent part comprising a weatherproof material defining a multiplicity of discrete air passages; and securing an air permeable filter material to an interior surface of the top panel and to the vent part.

17. (Original) The method of claim 16, in which the filter material is secured to a bottom surface of the vent part.

18. (Original) The method of claim 16, in which the contacted top panel and the contacted vent part comprises a weatherproof three ply-material defining the multiplicity of air passages.

19. (Previously Presented) The method of claim 18, in which the three-ply material comprises a pair of outer plies and an intermediate ply disposed between the outer plies so as to define the multiplicity of air passages.

20. (Original) The method of claim 19, in which the intermediate ply is generally convoluted or generally fluted.

21. (Previously Presented) The method of claim 18, in which the weatherproof material comprises a pair of outer plies and a series of cross walls disposed between the outer plies to define the multiplicity of air passages.

22. (Original) The method of claim 16, in which the vent part comprises a plurality of layers made from the weatherproof material.

23. (Original) The method of claim 16, in which a route is defined in the top panel so as expose the air passages defined in the top panel.

24. (Original) The method of claim 16, in which a plurality of vent parts are contacted to the top panel.

U.S. Patent Application 10/152,126

25. (Original) The method of claim 16, further comprising securing the vent part to the top panel.
26. (Previously Presented) A method of installing a vent, comprising disposing the vent over an opening in a roof of a structure, the vent comprising a top panel, a vent part, and a filter material, the top panel having an interior surface and a multiplicity of discrete top panel air passages providing for fluid communication between the structure interior and the environment, the vent part with a bottom surface and in a contacting relation with the interior surface of the top panel, the vent part comprising a material defining a multiplicity of discrete vent part air passages providing for fluid communication between the structure interior and the environment, the filter material secured to the bottom surface of the vent part and to the top panel.
27. (Original) The method of claim 26, in which the top panel comprises a three-ply material.
28. (Previously Presented) The method of claim 27, in which the three-ply material comprises a pair of outer plies and an intermediate ply disposed between the outer plies, the outer plies and the intermediate ply defining the multiplicity of top panel air passages.
29. (Original) The method of claim 26, in which the top panel comprises a pair of outer plies and a series of cross walls disposed between the outer plies.
30. (Previously Presented) The method of claim 28, in which the intermediate ply is generally convoluted or fluted.
31. (Original) The method of claim 27, in which the vent part comprises a plurality of layers, each of the plurality of layers comprising the three-ply material.

U.S. Patent Application 10/152,126

32. (Original) The method of claim 31, in which the three-ply material comprises a pair of outer plies and an intermediate ply disposed between the outer plies to define the multiplicity of vent part air passages.
33. (Original) The method of claim 26, in which a plurality of opposed spaced apart vent parts are present.
34. (Original) The method of claim 33, in which one of the plurality of vent parts comprises a plurality of layers.
35. (Original) The method of claim 26, in which the top panel is characterized by a longitudinal axis and in which the multiplicity of top panel air passages and the multiplicity of vent part air passages extend generally transversely or generally perpendicularly to the top panel longitudinal axis.
36. (Original) The method of claim 35, in which the top panel comprises a route, the route generally parallel to the longitudinal axis.
37. (Original) The method of claim 26, further comprising securing the vent to the roof.

U.S. Patent Application 10/152,126

Evidence Appendix

None

U.S. Patent Application 10/152,126

Related Proceedings Appendix

None